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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/750,738 | 12/31/2003 | John M. Rice | RiceWedge | 1837 |
| 27119 | 7590 | 09/22/2005 | EXAMINER | |
| ALBERT W. WATKINS 30844 NE 1ST AVENUE ST. JOSEPH, MN 56374 | | | FUQUA, SHAWNTINA T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3742 | |
| DATE MAILED: 09/22/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/750,738 | RICE, JOHN M. | |
| | Examiner | Art Unit | |
| | Shawntina T. Fuqua | 3742 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stasyshyn (US5196677) in view of Box (US5073699).

Stasyshyn discloses a combination beverage pot and warming surface having a beverage pot (12) for retaining liquid therein and a base (10), and a warming surface (11) is a heat source which couples with pot for maintaining liquid at an elevated temperature (Figure 2), a spacer (15) between the pot and the warming surface to elevate a majority of pot above base (Figure 2) wherein the spacer can be selectively removed (column 3, line 61-column 4 line 3), and the pot can be selectively removed from the warming surface and spacer to dispense the beverage. is rectangular (column 7, lines 45-47), and an angled spacer (27, 35, column 3, line 56-column 4, line 37) between the pot and the warming surface (23) to elevate a majority of the pot above and separate from warming base where, the spacer can be selectively removed and cleaned from the warming surface, and the pot can be selectively removed from the warming surface and spacer to dispense the beverage. Stasyshyn does not disclose a spacer which is angled, a spacer capable of tilting the pot, a spacer in the shape of a wedge, wedge is rectangular from a top view and has a thickness generally decreasing, and an advertising insignia on the wedge. Box discloses a spacer (40, 42) which is angled wherein spacers (40, 42) are spaced such that a pot could be placed on

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the spacers in a tilted manner i.e. one edge of pot could be placed on one spacer while other edge of pot could be placed on base (32) thereby tilting pot so that a minority of pot base is in direct contact with the warming base (Figure 2), and spacers are in the shape of a wedge (Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have shaped the spacer of Stasyshyn in the wedge shape of Box because, a wedge shaped spacer an air chamber between the pot and the spacer which allows the heat to be more evenly distributed and more uniform.

Stasyshyn in view of Box discloses all of the recited subject matter except a wedge which is rectangular from a top view and has a thickness generally decreasing, and an advertising insignia on the wedge. Changing the shape of the wedge and including an insignia is generally recognized as being within the level of ordinary skill in the art as evidenced by Stasyshyn in column 4, lines 48-56.

Response to Arguments

3. Applicant's arguments filed 7/7/05 have been fully considered but they are not persuasive.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf
September 19, 2005



Shawntina Fuqua
Patent Examiner
Art Unit 3742